

# BIRCH, STEWART, KOLASCH & BIRCH, LLP

P.O. Box 747 • Falls Church, Virginia 22040-0747  
Telephone: (703) 205-8000 • Facsimile: (703) 205-8050

USE NOTE:  
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FOLLOWING

## COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT AND DESIGN APPLICATIONS

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated next to my name; that I verily believe that I am the original, first and sole inventor (if only one inventor is named below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

1 Title: IMPROVEMENTS IN PASTEURIZED EGGS

1 Appropriate the specification of which is attached hereto. If not attached hereto,  
tion - the specification was filed on \_\_\_\_\_ as  
Use Without United States Application Number \_\_\_\_\_;  
ification and amended on \_\_\_\_\_ (if applicable) and/or  
hed: the specification was filed on \_\_\_\_\_ as PCT  
International Application Number \_\_\_\_\_; and was  
amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representative or assigns more than twelve months (six months for designs) prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
(Number)	(Country)	(Month/Day/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional applications(s) listed below.

Provisional Application(s):	(Application Number)	(Filing Date)
60/271,726	February 28, 2001	
60/271,746	February 28, 2001	
60/314,631	August 27, 2001	
60/335,031	November 2, 2001	

All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More than 12 Months (6 Months for Designs) Prior to the Filing Date of This Application:

Country	Application Number	Date of Filing (Month/Day/Year)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States and/or PCT application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States and/or PCT application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Prior U.S. Application(s):	(Application Number)	(Filing Date)	Status
09/954,462	September 14, 2001	pending	(Status - patented, pending, abandoned)
09/613,832	July 11, 2000	patented	(Status - patented, pending, abandoned)
08/962,766	August 25, 1995	patented	(Status - patented, pending, abandoned)

I hereby appoint the practitioners at CUSTOMER NO. 2292 as my attorneys or agents to prosecute this application and/or an international application based on this application and to transact all business in the United States Patent and Trademark Office connected therewith and in connection with the resulting patent based on instructions received from the entity who first sent the application papers to the practitioners, unless the inventor(s) or assignee provides said practitioners with a written notice to the contrary:

Send Correspondence to:

**BIRCH, STEWART, KOLASCH & BIRCH, LLP** or CUSTOMER NO. 2292

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First  
or Sole Inventor:  
Insert Name of  
Inventor  
Insert Date This  
Document is Signed →

Insert Residence  
Insert Citizenship →

Insert Post Office  
Address →

Full Name of Second  
Inventor, if any:  
see above

Full Name of Third  
Inventor, if any:  
see above

Full Name of Fourth  
Inventor, if any:  
see above

Full Name of Fifth  
Inventor, if any:  
see above

Full Name of Sixth  
Inventor, if any:  
see above

GIVEN NAME/FAMILY NAME		INVENTOR'S SIGNATURE	DATE*
L. John DAVIDSON		<i>L. John Davidson</i>	2/23/02
Residence (City, State & Country)		CITIZENSHIP	
Atkinson, New Hampshire, USA		USA	
MAILING ADDRESS (Complete Street Address including City, State & Country)			
36 Salem Rd., Atkinson, NH 03811, USA			
GIVEN NAME/FAMILY NAME		INVENTOR'S SIGNATURE	DATE*
Myron A. WAGNER			
Residence (City, State & Country)		CITIZENSHIP	
Wilmington, Delaware, USA		USA	
MAILING ADDRESS (Complete Street Address including City, State & Country)			
3826 Evelyn Dr., Wilmington, DE 19808, USA			
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Full Name of First  
or Sole Inventor:  
Insert Name of  
Inventor  
Insert Date This  
Document is Signed

Insert Residence  
Insert Citizenship

Insert Post Office  
Address

Full Name of Second  
Inventor, if any:  
see above

Full Name of Third  
Inventor, if any:  
see above

Full Name of Fourth  
Inventor, if any:  
see above

Full Name of Fifth  
Inventor, if any:  
see above

Full Name of Sixth  
Inventor, if any:  
see above

GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
L. John DAVIDSON	<i>L. John Davidson</i>	2/23/02
Residence (City, State & Country)	CITIZENSHIP	
Atkinson, New Hampshire, USA	USA	
MAILING ADDRESS (Complete Street Address including City, State & Country)		
36 Salem Rd., Atkinson, NH 03811, USA		
GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Myron A. WAGNER		
Residence (City, State & Country)	CITIZENSHIP	
Wilmington, Delaware, USA	USA	
MAILING ADDRESS (Complete Street Address including City, State & Country)		
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GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
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GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)	CITIZENSHIP	
MAILING ADDRESS (Complete Street Address including City, State & Country)		

The undersigned agree(s) to execute all papers necessary in connection with this application and any continuing, divisional, conversion or reissue applications thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

The undersigned agree (s) to execute all papers necessary in connection with any interference which may be declared concerning this application or continuation, division, conversion or reissue thereof or Letter Patent(s) or reissue patent issued thereon and to cooperate with the Assignee in every way possible in obtaining and producing evidence and proceeding with such interference.

The undersigned agree(s) to execute all papers and documents and to perform any act which may be necessary in connection with claims or provisions of the International Convention for the Protection of Industrial Property or similar agreements.

The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States of America patent(s) or a grant of a valid United States of America and any foreign patent(s) to the Assignee and to vest all rights therein hereby conveyed to said Assignee as fully and entirely as the same would have been held by the undersigned if this Assignment and sale had not been made.

The undersigned hereby authorize(s) and request(s) the Patent and Trademark Office Officials in the United States of America and in any foreign countries to issue any and all Letters Patents resulting from said application or any continuing, divisional conversion or reissue applications thereof to the said Assignee, as Assignee of the entire interest, and hereby covenants that he has (they have) the full right to convey the entire interest herein assigned, and that he has (they have) not executed, and will not execute, any agreement in conflict herewith.

The undersigned hereby grant(s) the law firm of Birch, Stewart, Kolasch & Birch, LLP the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office for recordation of this document.

The undersigned hereby covenant(s) that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

In witness whereof, executed by the undersigned on the date(s) opposite the undersigned name(s).

Date <u>X 4/10/02</u>	Name of Inventor <u>X Myron A. Wagner</u> (signature) WAGNER, Myron A.
Date _____	Name of Inventor _____ (signature) ,
Date _____	Name of Inventor _____ (signature) ,
Date _____	Name of Inventor _____ (signature) ,
Date _____	Name of Inventor _____ (signature) ,
Date _____	Name of Inventor _____ (signature) ,

I hereby appoint the practitioners at CUSTOMER NO. 2292 as my attorneys or agents to prosecute this application and/or an international application based on this application and to transact all business in the United States Patent and Trademark Office connected therewith and in connection with the resulting patent based on instructions received from the entity who first sent the application papers to the practitioners, unless the inventor(s) or assignee provides said practitioners with a written notice to the contrary:

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↓

Full Name of First  
or Sole Inventor:  
Insert Name of  
Inventor →  
Insert Date This  
Document is Signed

Insert Residence  
Insert Citizenship →

Insert Post Office  
Address →

Full Name of Second  
Inventor, if any:  
see above

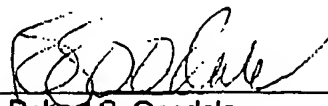
Full Name of Third  
Inventor, if any:  
see above

Full Name of Fourth  
Inventor, if any:  
see above

Full Name of Fifth  
Inventor, if any:  
see above

Full Name of Sixth  
Inventor, if any:  
see above

GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
L. John DAVIDSON		
Residence (City, State & Country)	CITIZENSHIP	
Atkinson, New Hampshire, USA	USA	
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36 Salem Rd., Atkinson, NH 03811, USA		
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Myron A. WAGNER	<i>Myron A. Wagner</i>	2/25/2002
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U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE				
<b>POWER OF ATTORNEY (REVOCATION OF PRIOR POWERS AND APPOINTMENT OF NEW POWER)</b>			Docket Number: <b>12502/8</b>	
Application Number <b>10/084,444</b>	Filing Date <b>February 28, 2002</b>	Examiner <b>A. Weler</b>	Art Unit <b>1761</b>	Conf. No. <b>4977</b>
Invention Title <b>PASTEURIZED EGGS</b>			Inventor(s) <b>L. John DAVIDSON</b>	
Address to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450				
Pasteurized Eggs Corporation, 169 Daniel Webster Highway, Suite 16, Meredith, New Hampshire 03253 appoints the following attorneys and/or agents to prosecute and transact all business in the Patent and Trademark office connected therewith:  <b>Edward J. Handler, III (Reg. No. 25,507)</b> <b>J seph A. Coppola (Reg. No. 38,413)</b>				
SEND CORRESPONDENCE, AND DIRECT TELEPHONE CALLS TO:				
<b>*26646*</b> <b>26646</b> <small>PATENT TRADEMARK OFFICE</small>		<b>Edward J. Handler, III</b> <b>KENYON &amp; KENYON</b> One Broadway New York, New York 10004 (212) 425-7200 (phone) (212) 425-5288 (facsimile)		
<b>PASTEURIZED EGGS CORPORATION</b> 169 Daniel Webster Highway Suite 16 Meredith, New Hampshire 03253				
Date: <u>7/4/03</u>		By: <u></u> Name: Robert S. Goodale Title: Chief Executive Officer		